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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|---|-------------|----------------------|-----------------------------|------------------------|
| 09/776,412  | 02/02/2001  | R. Steven Schultz    | 01153.0001U2                | 4078                   |
| 23859 7590 09/07/2007<br>NEEDLE & ROSENBERG, P.C.<br>SUITE 1000<br>999 PEACHTREE STREET<br>ATLANTA, GA 30309-3915 |             |                      | EXAMINER<br>HAVAN, THU THAO |                        |
|   |             |                      | ART UNIT<br>3691            | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>09/07/2007     | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|  |                                      |                                       |  |
|--|--------------------------------------|---------------------------------------|--|
| <p align="center"><b>Office Action Summary</b></p> | <b>Application No.</b><br>09/776,412 | <b>Applicant(s)</b><br>SCHULTZ ET AL. |  |
|  | <b>Examiner</b><br>Thu Thao Havan    | <b>Art Unit</b><br>3691               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/10/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the elements are in handwritten format for figures 9-14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **41-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US patent no. 6,341,353) in view of Rogers et al. (US 6,018,719).

Re claims **41**, **55**, and **59**, Herman teaches a method for providing electronic receipts using an electronic receipt generator (figs. 19 and 22), comprising:

- a. conducting a sales transaction between a buyer and a first seller (col. 22, lines 18-24; fig. 4 discloses consumer/user corresponds to a buyer and a merchant/vendor corresponds to a seller);
- b. transmitting information about the sales transaction to the electronic receipt generator over a first network (col. 2, lines 11-14);
- c. generating by the electronic receipt generator an electronic receipt including detailed information describing the sales transaction, wherein the detailed information includes sale price, total transaction amount, item description (fig. 22), information indicating completion of the transaction (col. 1, lines 63-66), and a hyperlink associated with a product return procedure (col. 2, lines 11-14);
- d. transmitting the electronic receipt over a second network to a computing device operated by the buyer (figs. 1 and 9);
- e. displaying the detailed information on the computing device (col. 6, lines 41-54; fig. 9);
- f. activating, by the buyer, the hyperlink on the computing device (col. 4, lines 16-36; fig. 1; abstract);

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g. transmitting, to the computing device and in response to activation of the hyperlink, return information containing steps for returning the product (col. 43, line 4 to col. 44, line 37; figs. 16-17 and 19); and

h. displaying the return information on the computing device (fig. 18);

i.) requesting, by the buyer, a return shipping label for the product (col. 44, lines 53-55; col. 38, lines 8-24),

j.) transmitting the return shipping label to the computing device (col. 38, lines 8-24).

In other words, Herman discloses the relationship marketing server uses smart receipts as the basis for after-market consumer care. When a consumer buys a product, the merchants relationship marketing server generates a unique digital object in the form of a smart receipt which contains all of the information needed for consumer care. The relationship marketing server sends this information to the customer's trusted agent. The customer can open his trusted agent using a URL (*i.e. a type of hyperlink*), click on the smart receipt, and be presented with a number of services, such as automatically routed requests for customer service or return authorizations (*i.e. a type of product return procedure*), number listings to call for help, order status tracking (for example, offered in eventual partnership with such shipping companies as Federal Express or UPS), and pre-formatted and routed requests for related product offers. Furthermore, Herman discloses a smart electronic receipt system wherein a buyer and seller conducting sales transaction and receiving a receipt upon completion of the transaction. His system includes hyperlinks embedded in the Smart Receipt that enable the

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customer to access customer service and order status. The merchant may also embed additional services within the Smart Receipt, including special offers for future purchases. In addition, he discloses a hyperlink associated with a product return procedure (col. 39, lines 8-59).

However, Herman does not explicitly teach producing a hard copy of the return shipping label using the computing device. On the other hand, Rogers discloses producing a hard copy of the return shipping label using the computing device when he discloses customer sales receipt is printed with the serial numbers (col. 7, line 62 to col. 8, line 9). Rogers discloses the customer sales receipt is printed with the serial number and the transaction databases are updated. The process ends if the customer is satisfied with the product. If not, however, the customer returns the product to the store. He discloses a link to the manufacturer's serial number database may be made to search for serial numbers which do not appear in the retailer database. Thus, it would have been obvious to one of ordinary skill in the art to produce a hard copy of the return shipping label using the computing device within the process of printing a receipt in order to handle the customer returns.

Re claims **42** and **61**, Rogers teaches first network comprises is a wireless network operating at the location associated with the first seller (col. 3, lines 48-58; col. 4, lines 7-46).

Re claim **43**, Herman teaches second network comprises the Internet (fig. 2 (element 60)).

Re claim **44**, Herman teaches sales transaction is conducted at a point of sale terminal associated with the seller (col. 37, lines 43-49).

Re claims **45** and **59**, Herman teaches receipt generator is operated by a third party (col. 11, lines 1-15).

Re claim **46**, Herman teaches a. requesting, by the buyer, warranty service information pursuant to a step for returning the product; b. transmitting, to the computing device, steps for obtaining warranty service for the product; c. displaying the steps for obtaining warranty service on the computing device; d. requesting, by the buyer, product warranty text pursuant to a step for returning the product; e. transmitting, to the computing device, product warranty text; f. displaying the warranty text on the computing device; g. requesting, by the buyer, product recall information pursuant to a step for returning the product; h. transmitting, to the computing device, product recall information for the product; i. displaying the product recall information on the computing device (col. 44, lines 5-63; col. 45, lines 1-40; fig. 14).

Re claims **47-54**, **56-58**, and **60**, Herman teaches a. generating by the electronic receipt generator information from a plurality of electronic receipts that are associated with the buyer and that are associated with a plurality of sellers; b. converting by the electronic receipt generator the information generated from the plurality of electronic receipts to a determined format; and c. transmitting the converted information generated from the plurality of electronic receipts to the buyer over the second network. (col. 20, lines 21-39; col. 38, lines 1-40; figs. 9-12).

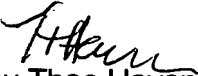
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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
Thu Thao Havan  
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8/29/2007